



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 05/09/06
AGENDA ITEM 5
WORK SESSION ITEM _____

TO: Mayor and City Council
FROM: Director of Community and Economic Development
SUBJECT: Hearing on Report and Assessment for Weed Abatement Fees Past Due

RECOMMENDATION:

It is recommended that the City Council adopt the attached resolution confirming the report and assessment for overdue weed abatement fees for the 2005 calendar year, and authorizing the assessments to become a lien against the properties if not paid on or before July 22, 2006.

BACKGROUND:

Weed abatement is carried out for both aesthetic and fire prevention purposes. Work consists of removal of weeds, rubbish, debris, and litter from both privately-owned and City-owned properties.

For a first-time violation, there is no charge for the compliance inspection process if corrections have been completed by the indicated reinspection date. However, if the violation is not corrected, the fee of \$300 is assessed which is based on the standard cost for staff time and materials to process a typical violation. This includes the cost of both the initial inspection and the compliance inspection, site photographs, researching property ownership records, sending abatement notices, preparing and maintaining the case file, internal vehicle charges, et cetera. Additional fees and penalties for a first violation, if necessary, are assessed as follows: \$275 second reinspection, \$475 third reinspection, \$675 fourth reinspection, and \$875 for the fifth and subsequent reinspection.

For a repeated violation of the same ordinance within 12 months by the same property owner, a fee of \$1,100 (\$300 plus \$800 penalty) is charged. For those properties that are abated by the City's contractor, a City fee of \$200 is imposed in addition to the contractor charges, to cover the City's costs of verifying the adequacy of the contractor's work and processing the invoice. If it is necessary to place a lien on a property to recover unpaid inspection or contractor fees, an additional \$150 fee is levied to cover City costs.

As in past years, in conjunction with the annual City-wide weed survey done in May, a reminder notice was mailed to those property owners who had received a Notice to Abate the previous year, whether the owner corrected the violation or the City's contractor was required to do so. Notices were also sent throughout the year to owners of property found to be in violation that had not previously received a notice in conjunction with the annual survey.

As of the date of this writing, overdue bills (including contractor costs) affecting 2 properties amount to approximately \$2,019.05. Amounts currently due include a \$5 per month late charge and 1 % interest per month on charges more than thirty days past due.

The purpose of tonight's hearing is to consider the proposed report and assessment list, as well as any objections from property owners. After concluding the hearing, Council may choose to modify the proposed charges and assessment list as appropriate, after which the list will be officially confirmed by resolution.

The unpaid charges, plus any administrative costs of the City and County, will then become a lien on the property and will appear on the November tax bill. When the property taxes are paid, or when the property is sold or refinanced, the County collects and remits the funds to the City. Abatement charges constitute a special assessment against the property. However, sometimes it is not possible to establish a lien to collect an overdue bill because the current owner was not the party responsible for the debt. In these instances, the Finance Director pursues collection of the debt from the responsible individual through the City Collection Officer, collection agency, or litigation as appropriate.

Public Notice

Notice of this hearing was published in the Daily Review on April 24, 2006 and April 29, 2006. A notice of this hearing was also sent by certified mail to each property owner, mortgagee or beneficiary indicated on the current assessor's roll. In addition, in April staff sent a courtesy letter to all those affected, informing them of the impending proceedings and encouraging them to pay their bills to minimize fees and be removed from the proposed assessment list.

Prepared by:



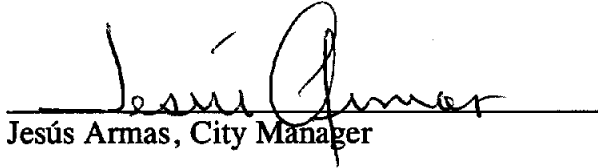
Mary Brown, Senior Community
Preservation Inspector

Recommended by:

A handwritten signature in cursive script, reading "Sylvia Ehrenthal", written over a horizontal line.

Sylvia Ehrenthal, Director of Community
and Economic Development

Approved by:

A handwritten signature in cursive script, reading "Jesús Armas", written over a horizontal line.

Jesús Armas, City Manager

Exhibits: A - 2005 Proposed Weed Abatement Assessment List
Resolution

REPORT ID: FMIS-AR851

CITY OF HAYWARD
ACCOUNTS RECEIVABLE SYSTEM
INVOICE PARCEL INFORMATION

REPORT PRINT DATE: 05/03/2006
PAGE NO. 1 TIME: 11:21

DEPARTMENT: WEED ABATEMENT
INVOICES OVER 30 DAYS PAST DUE

INV #	DATE	-PARCEL NUMBER-	OWNER NAME/ADDRESS	PARCEL LOCATION	BALANCE DUE	DEPT
BILLED TO	MAP BLOCK	PARCEL	INVOICE DESCRIPTION			STAT
148107	07/29/2005	431 0008 010 00	HARVIE SAMANTHA & AZIMZADEH OM HARVIE, SAMANTHA & AZIMZADEH O	495 LAUREL AVE HAYWARD CA 94541	313.05	4630 001 46
WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WA05-0670; FAILED WEED REINSPECTION AT 495 LAUREL AV ON 07/21/05. APN 431-0008-010-00. CALL JILL AT 510/583-4170 IF QUESTIONS.						
26046 HARVIE, SAMANTHA & AZIMZADEH O					TOTAL	313.05
147963	07/14/2005	444 0060 004 00	SINGH SATWANT & PARMJIT K SINGH, SATWANT & PARMJIT K	671 BERRY AVE NEWARK CA 94560	1,706.00	4630 001 46
WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WA05-0449; FAILED WEED REINSPECTION DONE ON 06/22/05 \$300.00 PLUS CONTRACTOR'S ABATEMENT COSTS FOR WORK DONE 07/01/05 @ \$1206.00 PLUS ABATEMENT COST PER PARCEL @ \$200.00 FOR 671 BERRY AV APN 444 -0060-004. CALL CHERYL IF QUESTIONS 510/583-4172.						
20602 SINGH, SATWANT & PARMJIT K					TOTAL	1,706.00
					TOTAL	2,019.05

***** END OF REPORT *****

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. 06-

Introduced by Council Member _____

mal
4/18/06

RESOLUTION CONFIRMING THE REPORT OF THE ENFORCEMENT OFFICER FOR WEED, RUBBISH, AND LITTER ABATEMENT FROM CERTAIN PROPERTIES IN THE CITY OF HAYWARD IN CONNECTION WITH THE WEED ABATEMENT PROGRAM FOR 2005

WHEREAS, in connection with the 2005 Weed Abatement Program, the Enforcement Officer has rendered an itemized report in writing to this Council showing the cost of removing weeds, rubbish, refuse, and litter from certain properties in the City of Hayward described in the report, all as required by section 4-1.62 of the Municipal Code of the City of Hayward; and

WHEREAS, the hour of 8 p.m. on Tuesday, May 9, 2006, in the Council Chambers, City Hall, 777 B Street, Hayward, California, was fixed as the time and place for this Council to receive and consider the report, and a copy of the report has been posted and published in the manner required by section 4-1.63 of the Municipal Code; and

WHEREAS, the hearing was held at the time and place fixed, and the City Council has considered the report and all comments with respect thereto; and

WHEREAS, at the time and place of the hearing, evidence of the violations was presented and an opportunity to dispute such evidence provided.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that except as amended by council, report of the Enforcement Officer of the City of Hayward Weed Abatement Program on the cost of removing weeds, rubbish, refuse, and litter from the properties therein described, a copy of which is attached hereto, is hereby confirmed.

BE IT FURTHER RESOLVED that payments of assessments confirmed hereby may be received by the City of Hayward Finance Director up to the hour of 5 p.m. on July 22, 2006, and thereafter such official shall transmit the unpaid assessments to the County Auditor for collection on the property tax roll.

IN COUNCIL, HAYWARD, CALIFORNIA May 9, 2006

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward